

## **REMARKS**

The Examiner is thanked for indication of allowable subject matter in claims 5, 6 and 16 in the Office Action mailed August 11, 2004. Applicant has amended claim 16 as suggested by the Examiner. Claim 1 has been amended in clarification. New claims 19-34 have been added. The drawings and specification have also been amended in response to the objections. No new matter has been added. Reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

### **Amendment of the Drawings and Specification:**

Applicant submits herewith three replacement sheets for amended Figures 1, 2 and 4. Applicant has amended Figures 1 and 2 to include reference numeral "10". Applicant has amended Figure 1 to replace reference numbers 123 and 121 in the second insert 18 adjacent ulnar component 14 with numerals 125 and 123, respectively, so that the first bearing insert 18 is consistence with the second bearing insert 18. Applicant has amended Figure 2 to replace reference numerals 121 and 128 on the second bearing insert 18 adjacent component 14 with reference numerals 123 and 130, respectively. Applicant has amended Figure 4 to replace reference numeral 136 with numeral 134. It is submitted that the drawings are now consistent.

Note that the bearing inserts 18 were incorrectly identified in the specification on page 10, lines 12, as bearing inserts 18 and 20. Applicant has amended the specification to delete "and 20", which was inadvertently referenced in the specification. Applicant has also amended the paragraph on page 13 to conform with the amended reference numerals in the amended figures as suggested by the Examiner. No new matter has been added by any of the amendments submitted herewith.

**Response to Claim Objections:**

Applicant has amended claim 16 as suggested by the Examiner. Specifically, claim 16 provides that the second component proximal end is pivotably mounted between the connector second end spaced apart arms. Applicant has amended claim 1 to include the limitations of claims 2-5. Accordingly, claims 2-5 have been canceled. Claim 6 has been amended to depend from amended claim 1.

**Response to Claim Rejections:**

Applicant submits that all rejections of claims 1-4 are now moot given claim 5, which the Examiner indicated would be allowable if rewritten in independent form, has been so written as amended claim 1.

The Examiner has rejected 17 as being anticipated by Scales et al. ("the '805 patent") and Wack et al. ("the '290 patent"). Applicant has amended claim 17 in clarification. Specifically, amended claim 17 provides that either the first component may be pivotally connected directly to the second component via a U-shaped spacer, or the first component may be pivotally connected indirectly via an adaptor. The U-shaped spacer has a first end receivable between spaced apart arms of the first component and a second end having first and second spaced apart legs for receiving the second component. The adaptor has a first end receivable between spaced apart legs of the spacer and a second end having first and second arms spaced apart by the first distance. Applicant submits that neither the '805 patent nor the '290 patent include a spacer or an adaptor as claimed by Applicant. Accordingly, Applicant submits that amended claim 17 defines over the art of record.

Applicant has added new claims 19-34, all of which depend from independent

claims 1, 16 or 17. Therefore, Applicant submits that all claims are now in condition for allowance, and earnestly solicits same.

Applicant submits herewith a Request for an Extension of Time for three (3) months, along with the requisite fee. It is believed that no other charges are due for this submission. However, if this is incorrect, please debit Account 50-0548 and notify the undersigned.

Respectfully submitted,



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